

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**CARLOS MONASTERIO and
BRIAN BROUILLETTE,**

Plaintiffs,

v.

No. CIV 15-0683 LAM/SMV

**GREYHOUND LINES, Inc., DAVE LEACH,
BILL BLANKENSHIP, ARNULFO BRAVO, and
JASON VON JIMENEZ,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. On August 5, 2015, Defendant Greyhound Lines, Inc. removed this lawsuit to federal court. *See [Doc. 1]; see also [Doc. 5]* (Amended Notice of Removal). While Defendant Greyhound Lines, Inc. filed its answer in the state court on August 4, 2015 (*see Doc. 5* at 33-47), no other Defendant has filed an answer in this case. In addition, it does not appear that service has been effected on these other Defendants. Federal Rule of Civil Procedure 81(c)(2) requires a defendant who did not file an answer before removal to answer or present other defenses or objections within the longest of these periods: “(A) 21 days after receiving--through service or otherwise--a copy of the initial pleading []; (B) 21 days after being served with the summons []; or (C) 7 days after the notice of removal is filed.” Federal Rule of Civil Procedure 4(m) provides in part that “[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” In addition, under the Local Rules of this Court, “[a] civil action may be

dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.”

D.N.M. LR-Civ. 41.1.

IT IS THEREFORE ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice as to Defendants Leach, Blankenship, Bravo, and Von Jimenez unless Plaintiff either: (1) effects service as to these Defendants; or (2) provides the Court with a written explanation showing good cause why service has not been effected or why Plaintiff has failed to move the case forward as to these Defendants.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE